

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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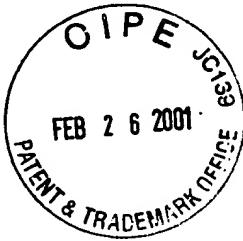
MAY 24 2002

In Re Application of: Isao HORIUCHI

Application No.: 09/743,704 and 09/743,755

Entry into U.S. National Stage: January 16, 2001

For: HAIR GROWTH STIMULANTS



Art Unit:

Examiner:

TECH CENTER 1600/2900

Washington, D.C.

Atty.'s Docket: HORIUCHI=4 and Horiuchi=5

Date:

TECH CENTER 1600/2900
JULY 19 2001THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith is a [X] PETITION UNDER 37 CFR 1.181 AND/OR 1.182 TO CONSOLIDATE APPLICATIONS AND REFUND ONE FILING FEE in the above-identified application.

[] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted
 [] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
 [] No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA EQUALS
TOTAL	*	MINUS	**	0
INDEP.	*	MINUS	***	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 9	\$		x 18	\$
x 40	\$		x 80	\$
+ 135	\$		+ 270	\$
ADDITIONAL FEE TOTAL			TOTAL	

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[] First - \$ 55.00
 [] Second - \$ 195.00
 [] Third - \$ 445.00
 [] Fourth - \$ 695.00

Month After Time Period Set

[] Less fees (\$_____) already paid for ____ month(s) extension of time on _____.

Other Than Small Entity

Response Filed Within

[] First - \$ 110.00
 [] Second - \$ 390.00
 [] Third - \$ 890.00
 [] Fourth - \$ 1390.00

Month After Time Period Set

[] Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

[XX] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 130.00.

[] A check in the amount of \$_____ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

Attorneys for Applicant(s)

By: 
 Sheridan Neimark
 Registration No. 20,520

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box: PCT

Attention: PCT Legal Office

ATTY.'S DOCKET: Horiuchi=4

ATTY.'S DOCKET: Horiuchi=5

In re Application of:

In re Application of:

Isao HORIUCHI

Isao HORIUCHI

IA: PCT/JP00/03017

IA: PCT/JP00/03017

U.S. Appln. No.: 09/743,704

U.S. Appln. No.: 09/743,755

Date of Entry into U.S. Nat'l Stage:

Date of Entry into U.S. Nat'l Stage:

January 16, 2001

January 16, 2001

For: HAIR GROWTH STIMULANTS

Washington, D.C.

01/16/2001 UEDUVIJE 00000077 09743704

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February 26, 2001

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07 AUG 2001

Legal Staff

International Division

PETITION UNDER 37 CFR 1.181 AND/OR 1.182 TO CONSOLIDATE APPLICATIONS AND REFUND ONE FILING FEE

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

On January 16, 2001, the office of undersigned erroneously entered the U.S. National stage of PCT/JP00/03017 twice, contrary to what is permissible. Two (2) separate filing fees were paid. Two application serial numbers were assigned as indicated above, namely 09/743,704 and 09/743,755.

Applicant hereby respectfully petitions for (1) the consolidation of the two files into a single application, and (2) the refunding of one of the filing fees in the amount of \$430.00 paid with the erroneous second filing on January 16, 2001. The petition fee of \$130.00 is attached.

For the record, the papers assigned 09/743,704 was filed with an Information Disclosure Statement, whereas the papers assigned application 09/743,755 did not include an Information Disclosure Statement. Upon the consolidation of the two files, applicant requests that the Information Disclosure Statement be included in the consolidated file.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



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